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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/523,239

09/28/2005

Franz Schuler

10808/206

6476

48581

7590

09/28/2009

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EXAMINER

SALERNO, SARAH KATE

ART UNIT

PAPER NUMBER

2814

MAIL DATE

DELIVERY MODE

09/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION (continuation of page 1)

The request for reconsideration has been considered but does not place the application in condition for allowance because of the follow reasons:

1. Applicant argues that the Kawai et al. (US Patent 5,675,173) does not teach the claim limitation "a gate oxide layer over a surface of the second covering insulation layer" as previously presented in claim 15. The after final amendment dated 09/09/09 has cancelled claim 15 and incorporated this limitation into independent claim 1. Applicant's arguments are not persuasive because the gate oxide layer (11) is over a surface of the second covering insulation layer (10) which is over the first covering insulation layer (6). Therefore, the combination Lee et al. (US PGPub 2002/0076879) in view of Kawai et al. (US Patent 5,675,173) teach all of the limitations of claim 1 as presented in the after final amendment dated 09/09/09.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH K. SALERNO whose telephone number is (571)270-1266. The examiner can normally be reached on M-R 8:00-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. S./
Examiner, Art Unit 2814